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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : R. Apodaca et al. Art Unit : 1626
Serial No. : 09/922,631 Examiner : K. Saeed
Filed : August 6, 2001
Title : NON-IMIDAZOLE ARYLOXYALKYLAMINES

JUN 2 2004

TECH CENTER 1600/2900

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313

REPLY AND AMENDMENT

Sir:

This is in response to an Office Action dated March 9, 2004.

First, the undersigned wishes to thank the Examiner for the telephonic interviews of May 10 and 11, 2004, wherein the Office Action was discussed, specifically the reference therein to the "communication(s) filed on 25 August 2003." This is an erroneous reference to the Office of Petitions decision, mailed on that date. The Action is actually in response to applicants' Amendment dated May 14, 2003.

Cancel claims 1-65 without prejudice to applicants' rights thereto and add claims 66-90.

The claims are 1-65, of which 54-65 have been withdrawn from consideration. Claims 1-53 are objected-to for containing non-elected subject matter. The claims have now been re-drafted and limited in scope to the elected subject matter. The withdrawal of L₇ by the Examiner is traversed since this would exclude the elected species from the genus. Therefore, L₇ has been retained in the present claims. The withdrawal of claims 6-9 (now 69-72) is also traversed. Claims 6 and 7 define which R is G. Claims 8 and 9 limit the value of "n". There is no basis for withdrawing these claims from consideration.

The subject matter of withdrawn claims 54-65 has not been canceled. These claims have been re-drafted as claims 77-90. The method of treatment claims have been amended to define that the subjects are those in need of the claimed treatment. It is requested that the claims, which are limited in scope to the allowable compounds, be rejoined in view of the Examiner's comments on page 4 of the Action.

The claims appear on pages 3-6.

It is requested that the amendment be entered and that the case be passed to issue.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'G Lopez', is written over a horizontal line.

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Dated: May 26, 2004